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Letter dated 1 June 2004 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I regret to inform you that since Wednesday, 26 May 2004, events of a very grave nature have been taking place in around Bukavu, following new acts of flagrant insubordination by a number of officers of the 10th Military Region under the command of Colonel Jules Mutebuzi, deputy commander of the military region in question, who for the second time in three months has provoked clashes.

The immediate cause of the clashes is the notorious indiscipline of a group of soldiers from the forces of Colonel Mutebuzi, currently under suspension, who, for reasons unknown to their superiors and without written authorization, sought to cross the border into neighbouring Rwanda. In keeping with their orders, the troops stationed at the border naturally prevented them from doing so. One member of the group of indisciplined soldiers showed his annoyance by committing acts that obliged the troops stationed at the border to subdue him and place him in detention at Camp Saio. Upon receipt of the news, Colonel Mutebuzi dispatched reinforcements consisting of a group of soldiers loyal to him to forcibly release the arrested soldier. That was the origin of all the clashes that we are now witnessing.

The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) immediately attempted to intervene and, following discussions that it initiated and certain arrangements that it was able to put in place, a degree of calm was restored.

Unfortunately, the hostilities resumed the next day, 27 May 2004, at 0645 hours, with greater intensity. By about 1300 hours, the loyalist troops succeeded in routing the mutineers.

On 28 May 2004, other mutinous officers under the command of General Laurent Mihigo Nkunda readied five battalions (approximately 1,000 soldiers) and dispatched them from Goma on the road to Bukavu to reinforce Colonel Mutebuzi's troops. At the same time, other troops based in the Ruzizi plain also began to move towards Bukavu, while the mutinous elements loyal to Colonel Mutebuzi, who had taken over the Nguba district in Bukavu, were engaged since the morning in looting stores, markets and carefully selected residences while also committing acts of flagrant human rights violations.

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On 31 May 2004, the sound of mortar fire was heard. The mutinous troops were by then in the vicinity of the airport at Kavumu, which was defended by MONUC, and on the outskirts of Bukavu. In the absence of vigorous action by the international community, there is every indication that Bukavu will be attacked by the mutineers belonging to the RCD/GOMA faction and dispatched from Goma, and by those coming in from the Ruzizi plain, with logistic support from Cyangungu (Rwanda), as the progress of the mutineers towards Bukavu observed on 1 June 2004 seems to indicate.

For its part, MONUC has evoked the threat of the use of Chapter VII, as it is authorized to do by resolution 1493 (2003) of 28 July 2003. While underscoring its appreciation for the action taken during the crisis by MONUC with its limited resources, the Government of Transition urges it to continue its assistance with a view to restoring law, order and stability to Bukavu as quickly as possible.

The Government of Transition has also held several meetings with MONUC to exchange information and to coordinate action with a view to the establishment of an adequate coordination framework for the smooth management of operations in the field and of information so as to prevent any deterioration of the situation.

On the instructions of the President of the Republic and Head of State, His Excellency Major General Joseph Kabila, the Government has also organized a briefing session on the current situation in Bukavu for ambassadors accredited to Kinshasa.

The Head of State has also dispatched a high-level delegation headed by the Minister for Foreign Affairs and International Cooperation to meet with the President of the Rwandese Republic, His Excellency Mr. Paul Kagame, and update him on all the developments on the ground as well as to urge him not to become involved in a problem that is internal to the Congolese Armed Forces.

Communiqués have been issued by the Government of Transition to accurately inform the population about the situation in Bukavu, urge them to be calm and caution them against any temptation to fall into the trap of ethnic hatred and any desire for vengeance.

In one of these communiqués, the Government stressed the need to avoid the "*ituriization*" of the province of Sud-Kivu by contriving a conflict between communities.

Despite all the efforts made, the provisional toll to date is some fifty deaths, mostly of innocent civilians. In addition, all the stores in Nguba, the district controlled by Mutebuzi's mutineers, have been looted and plundered. The homes of some local officials who disapprove of the actions of Mutebuzi have been visited and sacked and their occupants subjected to all manner of physical maltreatment. The convents situated in the same district have not been spared and the nuns' lives were saved only thanks to the intervention of MONUC, which recognized the mutineers of Colonel Mutebuzi during their intervention.

A European national, the head of a local NGO, was raped at her home by Colonel Mutebuzi's mutinous troops. According to MONUC, more than 300 persons, including 100 expatriates, seeking refuge were allowed into its headquarters in Bukavu.

The MONUC contingent suffered one dead and several wounded. Subject to the findings of an independent inquiry, all the information in our possession indicates that General Laurent Mihigo Nkunda and his mutinous forces are responsible for the losses inflicted on MONUC.

The Head of State, on behalf of the Republic, has extended his condolences on the death of the member of the United Nations Blue Helmets and his best wishes for the full recovery of the wounded United Nations observer. He has welcomed the news that the missing Blue Helmet is unharmed.

On 2 June 2004, the town of Bukavu fell to the mutineers who, according to the Special Representative of the Secretary-General in the Democratic Republic of the Congo, Ambassador William Swing, speaking this morning on Radio Okapi, benefited from the support of "a third column from the east of the Democratic Republic of the Congo".

The Government of Transition wishes to assure the Security Council that this mutiny will in no way affect the continuation of the transition period that will culminate in free, transparent and democratic elections in the country. The law will be applied strictly and in a fully transparent manner against the mutinous troops, in accordance with the provisions of the Military Penal Code currently in force in the Democratic Republic of the Congo (Act No. 024/2002 of 18 November 2002), which punishes acts of mutiny, rebellion, refusal to obey and threats and insults against superiors.

The Government of Transition would nevertheless like the Security Council to meet urgently to consider the situation created by the mutiny in Bukavu in order to, inter alia:

1. Condemn the events that led to the fall of the town of Bukavu;

2. Discuss the role of the United Nations and more particularly of the Security Council in support of any peace process sponsored both by the universal Organization and by the principal organ of the United Nations that is charged with the maintenance of international peace and security;

3. Review the role of MONUC in the defence of the transitional institutions established pursuant to the Comprehensive and Inclusive Agreement on the Transition in the Democratic Republic of the Congo, including the support to be provided to these institutions with a view to the restoration of the authority of the State throughout the national territory. To that end, it would be appreciated if the Security Council would provide MONUC with all the resources it needs to discharge its mandate;

4. Envisage the possibility of exemplary sanctions if it turns out that the mutineers have benefited from any outside assistance;

5. Call on all the countries and parties to this crisis to put an end to any action that would be detrimental to peace in the region;

6. Ensure strict compliance with its resolution 1493 (2003) of 28 July 2003, in particular paragraphs 10, 15 to 21 and 24 to 26 thereof;

7. Carefully examine the particular case of "General" Laurent Mihigo Nkunda. The Security Council will recall that this individual was cited by name in the report (S/2002/764) of the High Commissioner for Human Rights (Ms. Mary Robinson) for

his role in the massacres perpetrated in Kisangani on 14 and 15 May 2002 that caused the deaths of thousands of residents of the martyred city. The Security Council will also recall that at its 4705th public meeting, held on 13 February 2003, the High Commissioner for Human Rights (Mr. Sergio Vieira de Mello) had urgently requested the Security Council to give him and MONUC a clear mandate so that all the military officials that had been clearly identified in the report of Ms. Mary Robinson could be suspended from their functions and arrested. MONUC would be well advised to stop considering him as a valid interlocutor and see him instead as a renegade officer and proceed to arrest him immediately under the provisions of Chapter VII of the mandate of MONUC.

My Government should be grateful if you would arrange for this letter to be circulated as a document of the Security Council.

(*Signed*) Ileka **Atoki**
Ambassador
Permanent Representative